IN THE HIGH COUR OF UTTARANCHAL AT NAINITAL

Writ petition No. 332 (S/B) of 2005

Sri Krishna S/o Sri Nand Ram,
Principal, Government Inter College,
Quansi, Tehsil Chakrata, Distt. Dehradun

..... Petitioner

Versus

1. State of Uttaranchal through
   Secretary, Education, civil Secretariat,
   Uttaranchal, Dehradun
2. Director of Education, Uttaranchal,
   Mayur Vihar, Dehradun
3. Mr. Pritam Singh, Minister,
   Sport Department,
4. Mr. Khushi Ram Sharma, vice-President,
   Block Congress Committee, Block Chakrata,
   District Dehradun .....Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal , J.

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the impugned transfer order 15.10.2005 passed by Respondent No. 1- Additional Secretary, Government of Uttaranchal, Dehradun (Annexure No. 15 to the petition).

2. The petitioner was transferred on 15.10.2005 from Govt. Inter College, Quansi, Tehsil Chakrata, District Dehradun to Govt. Inter College, Tuni district Dehradun. Accordingly to the petitioner, he could not be transferred expect he has complete normal duration of posting at one place for at least a period of one year.

3. As per the petitioner, he joined his services on promotion at Govt. Inter College, Quansi, Tehsil Chakrata, District Dehradun on 23.10.2004 and vide order dated 15.10.2005 i.e. less than a period of one year he was transferred at some another place which is not legally justified. A perusal of the impugned transfer order dated 15.10.2005 reveals that the petitioner was transferred from Govt. Inter College, Quansi, Tehsil Chakrata, District Dehradun to Govt. Inter College, Tuni, District Dehradun on administrative grounds. This order was stayed by this Court on 17.12.2005.

4. We have heard learned counsel for the parties and have gone through the record.

5. It appears that the petitioner was transferred in the mid secession. In the interest of justice, we feel it appropriate that the petitioner shall not be disturbed till the next annual transfer chain is made by the State Government. The petitioner shall be transferred as and when next annual general transfer is made by the State Government. However, in the next annual general transfer, the appropriate fresh transfer order of the petitioner would be passed and till then the stay order dated 17.12.2005 granted by this Court shall be allowed to continue.

6. With the aforesaid observation, the petitioner is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

03.04.2006
R. Dang